

<b>NORTHERN MANAGEMENT SERVICES, INC.,</b>	)	<b>AGBCA No. 2003-164-2</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Lyall Wohlschlager, Project Manager	)	
Northern Management Services, Inc.	)	
607 Church Street	)	
Sandpoint, Idaho 83864	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Heather R. Hinton, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
507 25th Street, Room 205	)	
Ogden, Utah 84401	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

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July 2, 2003

**Opinion for the Board by Administrative Judge VERGILIO.**

On April 2, 2003, the Board received a notice of appeal (designated as the complaint) from Northern Management Services, Inc., of Sandpoint, Idaho (contractor), concerning its contract with the respondent, the U. S. Department of Agriculture, Forest Service (Government). Under the fixed-price contract, No. 50-02NV-2-4000, the contractor was to construct the Soda Springs Ranger District Office (construct a building and provide site work), in the Caribou-Targhee National Forest in Idaho. In this dispute, the contractor maintains that the Government changed the terms and conditions of the contract by requiring the contractor to excavate to a given depth, thereby requiring the contractor to incur additional expenses relating to the over-excavation and the importing and compacting of backfill material. Interpreting the contract to require the excavation that occurred, the contracting officer denied the contractor's claim to recover \$11,644.08. This appeal ensued.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). With its notice of appeal, the contractor elected to proceed utilizing the Board's small claims procedure, which results in a decision by one judge. The decision is final and conclusive, shall not be set aside except in cases of fraud, and shall have no value as precedent. 41 U.S.C. § 608; Rule 12.2. The Government provided an appeal file and answer. During telephone conferences, the presiding judge and parties discussed the factual and legal issues, including the viable interpretations of the contract.

During a telephone conference held on May 20, 2003, the parties informed the Board that they were finalizing a settlement agreement. The parties stated that this appeal should be dismissed with prejudice after the agreement is signed by each party. As agreed by the parties, the Government so notified the Board on July 1, 2003, that the agreement has been signed such that this matter may be dismissed.

**DECISION**

In accordance with the request of the parties, the Board dismisses with prejudice this appeal.

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**JOSEPH A. VERGILIO**

Administrative Judge

**Issued at Washington, D.C.**

**July 2, 2003**